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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Manuel P. Asensio, individually and as the parent
of Eva Asensio, a minor child,

Plaintiffs,

-against-

Janet DiFiore, Chief Judge of New York State;
Barbara Underwood, Attorney General of New
York State Andrew M. Cuomo, Governor of New
York State; Adetokunbo O. Fasanya, New York
County Family Court Magistrate; and Emilie Marie
Bosak, individually,

Defendants.

18-CV-10933

R.A., Justice

**NOTICE OF MOTION
FOR PRETRIAL CONFERENCE
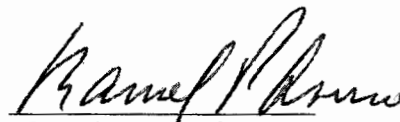AND SCHEDULING OF ORAL
ARGUMENTS**

1   **PLEASE TAKE NOTICE** that I, Manuel P. Asensio, the Plaintiff in the above captioned proceeding,
2   request that the Court conduct Pretrial Conference and issue a Scheduling Order, pursuant to Federal
3   Rules of Civil Procedure Rule 16(a)(2)(4) and Rule 78(a), that requires the following:

5   i.)   That the state defendants acknowledge that Defendant Fasanya's May 15, 2014
6   misconduct and his consequent actions affecting a minor, Eva Asensio, including his
7   January 15, 2016 manufactured so called "interim" suspension and unauthorized,
8   unnecessary and prejudicial contact with the minor and the Governor, State Attorney
9   and Chief Judge's sanctioning of Defendant Fasanya's actions were not and are not
10   lawful or in the child's best interest;

11   ii.)   Granting the Plaintiff full and free access to his daughter or in the alternative access
12   without conflict or disturbance by the state to oppose the state's control his daughter's,
13   Eva Asensio, feelings and beliefs and to provide Eva Asensio with private direct
14   parental care, understanding, stability and security through parental spiritual and moral
15   guidance, advice and comforting without government interference;

16   iii.) Prohibiting the Governor and State Attorney from using of their official positions to
17   defend Defendant DiFiore and Defendant Fasanya's individual deliberate acts that are
18   not authorized by any article, principle or statute contained in New York State's
19   constitution, laws, or rules, are impermissible and that do not involve an authorized
20   judicial or government function or purpose and do not conform to any widely held
21   ethical principle of law or norm in our civil society;

iv.) and prohibiting the filing of a motion to dismiss or in the alternative arguing that that they are acting as state officials and are entitled to immunity under any legal concept of judicial independence or executive discretion;

v.) The state defendants are prohibited from filing a motion to dismiss based on any decision concerning federal courts' past disclaimer of their Article III jurisdiction over domestic relations matters;

vi.) The state defendants to answer the Plaintiffs' complaints on an expedited basis, prohibit filings for extensions and expedite discovery and trial date; and

vii.) Vacating or modifying the Order of Protection.

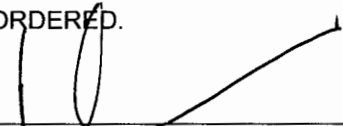In support of this Motion, I submit the following documents:

☒ 1. Plaintiff's affidavit in Support of Motion Seq. 1 and

2. Plaintiff's Affidavit of Eye witnessed Deliberate and Malicious Judicial Conduct

☒ the following additional documents:

3. Affidavit of Jason P. LaVardera

4. Plaintiff's New York Supreme Court May 10, 2017 Notice of Motion with a supporting Attorney Affirmation and its exhibits

Manuel P. Asensio
Plaintiff, Pro Se
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Application denied. By separate order, the Court has set a schedule for briefing on Defendants' anticipated motion(s) to dismiss. The Court will notify the parties if it deems oral argument necessary. The case will otherwise be stayed pending resolution of the motion(s).

SO ORDERED.

Ronnie Abrams, U.S.D.J.
December 18, 2018